

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Donald Eugene Mallory**
Docket No. **290127**
L.C. No. **95-052531 FC**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal filed February 2, 2009, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the January 25, 2008 order as required by MCR 7.205(F)(3). Filing does not occur until it is received. *Walker-Bey v Department of Corrections*, 222 Mich App 605 (1997).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 01 2009

Date

Sandra Schultz Mengel
Chief Clerk